PART X.

RULES BY THE GOVERNMENT OF INDIA TO REGULATE THE SUPPLY AND SALE OF STAMPS OF ALL DESCRIPTIONS.

(Notn. No. 5422, *B. G. G.*, 1886, Pt. I., p. 644, republishing G. of I. Notn. No. 1596 of 28th June 1886.)

The following rules laid down by the Government of India to regulate the custody, supply and sale of stamps of all descriptions, *viz.*, General stamps used to denote the duties payable under the Indian Stamp Act, No. I of 1879; Court-fee stamps used to denote the fees payable under the Court Fees Act, No. VII of 1870; Telegraph stamps and Postage stamps, are published for general information. Those portions of the rules which apply to General and Court-fee stamps are adopted and issued by His Excellency the Governor in Council under the authority conferred on him by section 55 of the Indian Stamp Act, 1879, and section 27 of the Indian Court Fees Act, 1870, respectively :—

Central Depôts.

1. There shall be three central depôts for stamps of all descriptions in charge of the Superintendents of Stamps at Madras, Bombay and Calcutta respectively. These central depôts shall maintain a stock of stamps sufficient for two years' consumption. The Superintendents of Stamps in Madras and Bombay shall, for this purpose, forward, not later than the last week in September in each year, indents for the supply of the various descriptions of stamps required in the following year for the territories dependent on them for the supply of stamps to the Superintendent of Stamps, Calcutta.

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3. Stamps for the Presidency of Bombay, including Sind, the Berars, the Central Provinces, and local depôts subordinate to Bombay, shall be supplied from the central depôt, Bombay, on the indent of officers in charge of local depôts.

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5. The Superintendent of Stamps, Bombay, on receiving an indent from a local depôt, shall have the indent examined to acertain that the indent is such as to insure the local depôt having a proper supply, and may comply with the indents in full or in part, as he thinks fit. If he thinks that the indent should be increased, he should request the officer who submitted the indent to submit a supplementary indent. The Superintendent of Stamps should also, if the monthly statements of transactions (Rule 33) show that the balance of any kind of stamp in any local depôt is falling too low, call the attention of the officer in charge to the fact. The Presidency Post Offices of Calcutta, Madras and Bombay may indent for supplies of the central depôts.

Local Depôts.

6. Every treasury throughout India, including those attached to political and salt agencies, shall be a local depôt for the custody and sale of stamps of all descriptions. Local Governments may establish local depôts at places where there is no Treasury.

7. Each local depôt shall, unless the Local Government otherwise directs, maintain a supply of stamps equal to the probable consumption of five months. Local Governments may direct that the supply to be maintained either generally or in respect of any particular kind of stamp or in certain local depôts shall be equal to the probable consumption of such other period as they deem expedient.

8. As soon as the number of stamps in the local depôt falls below the number issued from the depôt in the preceding six months, the officer in charge of the depôt shall prepare an indent for a supply equal to the probable consumption of three months. The indent shall show in separate columns for each denomination of stamp of which a supply is required the total of the balance in the local depôt and any branch* depôts subordinate to it, the quantity sold in the preceding six months and the quantity indented for, which should be approximately one-half of the quantity sold in the preceding six months. The periods of 'six months' and 'three months' of this rule may, like that of five months in Rule 7, be altered by Local Governments to such other periods as they may deem expedient. This indent will be forwarded direct to the Superintendent of Stamps, Madras, Bombay or Calcutta, as the case may be; but the Local Government of any province may direct that the indents shall be forwarded through any other officer, such as the Superintendent of Stamps of the province, or that a copy of the indent shall be forwarded to such officer.

9. If the supply of stamps in any local depôt should run short before the receipt of the supply from the central depôt, the officer in charge of the local depôt should indent for a supply from a neighbouring depôt, sending a copy of the indent to the Superintendent or Commissioner of Stamps of the province, or such other officer as the

* For branch depôts the figures of the latest periodical return received at the local depôt showing details of stamp balances may be used for the purpose of calculating the total required for entry in each column.

Local Government may direct. It is the duty of the Superintendent of Stamps, Madras, Bombay or Calcutta, to report to the Local Government (or such authority as the Local Government may direct), in the case of general and Court-fee stamps, * * * any case in which it may come to his knowledge that the stock of stamps in any local depôt of any description has fallen below the prescribed amount.

10. As soon as possible after the arrival of a supply of stamps from the central depôt or from another local depôt, the officer in charge of the local depôt shall have the boxes or packets opened in his presence, and the contents of each box or packet counted either by himself or in his presence immediately on being opened. The number of stamps received shall be compared by the officer in charge with the number in the invoice, and a receipt shall be sent as soon as possible to the officer who despatched the stamps.

11. Local Governments may issue such orders as may be thought necessary regarding the detailed counting of stamps received in a local depôt, and as to the descriptions of stamps which the officer in charge must count with his own hands. Such orders may include instructions that a certain percentage only of sealed packets marked as containing a certain number of stamps need be opened and counted at the time of receipt, and the remainder, if the percentage opened are all found correct, left with seals unbroken to be counted as they are required on being given out from double lock. The officer in charge is responsible for observing any such instructions, and for satisfying himself as to the number of stamps received before signing the receipt.

12. If any of the stamps received are found to be unfit for issue, they should be at once returned to the Superintendent of Stamps. Stamps which are through any accident rendered unfit for issue at any time after receipt should be similarly returned to the Superintendent as soon as their unfitness is discovered. The necessary entries on account of stamps so returned should be made in the monthly statement (Rule 33), and in the *plus* and *minus* memoranda (Rule 35).

13. Immediately after the stamps received have been counted, they shall be placed in proper receptacles in the store under double lock, arranged in parcels or packets containing known quantities, the amount of each denomination being entered in a register maintained to show the receipts and issues to and from the store under double lock.

14. The treasurer, or such other officer as the Local Government may direct, shall be the *ex-officio* vendor of all descriptions of stamps in each local depôt. Sales to the public or to licensed vendors shall not be made direct from the stores under double lock, such sales being made by the *ex-officio* vendor from the supply entrusted to him for this purpose to be kept by him under single lock, as prescribed in the following rules.

15. The stock to be made over to the *ex-officio* vendor to be kept by him under single lock should ordinarily be sufficient for the probable demand of one month. On a fixed date near the beginning of each month the *ex-officio* vendor shall prepare an indent for the quantity required for the month in a form showing the balance in his hands, an average month's consumption, and the quantity required. When this indent is approved by the officer in charge, who should examine the balance under single lock, and ascertain that the quantities shown agree with the quantities shown in the indent, he shall give out the quantity required from the store under double lock. The same procedure shall be followed if any stamps should be required at any intermediate date. Local Governments may reduce the period of one month mentioned in this rule to one week or any other period less than a month, if they consider this desirable with reference to the amount of the treasurer's security or for any other reason.

16. From the stock so made over to his charge and kept by him under single lock, the *ex-officio* vendor shall sell stamps to the public and to licensed vendors for cash. He shall keep in such language as the Local Government may direct an account of the daily sales for each of the four descriptions of stamps in a form showing for each denomination the balance in his hand at the beginning of the day, the quantity sold during the day, and the balance in his hand at the end of the day. He shall pay daily into the treasury the cash received by him for stamps sold, the amount realized on account of each of the four descriptions of stamps—namely, General, Court-fees, Postage and Telegraph—being paid in separately. The account of daily sales should be inspected every day by the officer in charge of the depôt.

17. The rules regulating the grant of discount and the grant of licenses to licensed vendors for the sale of General and Court-fee stamps vary in different provinces, and are prescribed by Local Governments, subject to the general rule that no change in the rates of discount shall be made without the previous sanction of the Governor General in Council.

18. Local Governments may direct that the sales to the public of General and Court-fee stamps by *ex-officio* vendors shall be limited to stamps of a value higher than a named amount, the sale to the public of stamps of lower value being left to licensed vendors.*

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23. The officer in charge of every post office, receiving office, tahsil, thána, and police-station at which letters are received for despatch, and every person licensed under the rules framed under the Stamp Act, 1879, to sell General stamps, are required to keep a supply of ordinary postage stamps for sale to the public sufficient for the probable demands of one week. To such persons ordinary postage stamps, except soldiers' envelopes, are sold from local depôts for cash on the same conditions as to quantity as those prescribed in the preceding rule; and on such sales discount at the rate of quarter of an anna in the rupee is allowed.

23A. The officers in charge of post offices, receiving offices, tahsils, thánas and police stations at which letters are received for despatch, are also required to keep a supply of one-anna revenue stamps for sale to the public. To such officers one anna revenue stamps are sold from local depôts on the same conditions as to quantity as those prescribed in Rule 22. On such sales discount at the rate of one-half anna in the rupee is allowed.

(Notn. No. 5721, *B. G. G.*, 1886, Pt. I., p. 666, republishing G. of I. Notn. 2034 of 27th July 1886.)

"RESOLUTION.—With a view to make one-anna Revenue or Receipt Stamps as widely available to the public as possible, the Governor General in Council directs that the Post Office as a Department shall undertake the sale of such stamps in the same way as postage stamps and prescribes the following rules on the subject:—

(G. R. No. 5989, 21st Aug. 1886, R. D., republishing G. of I. Resolution, F. & G. Department, No. 2035, 27th July 1886.)

(1) Officers in charge of Post Offices and other postal officers who are required to keep a supply of ordinary postage stamps for sale to the public under Rule 23 of the Rules issued by Resolution No. 1596, dated 28th June 1886, are required also to keep a supply of one-anna revenue stamps for sale to the public.

(2) Those officers shall obtain supplies of, sell and account for, the one-anna revenue stamps in the same manner and subject to the same conditions (except as to the rate of discount) as ordinary postage stamps.

(3) The rate of discount on purchases by these officers of one-anna revenue stamps shall be one-half anna in the rupee."

BRANCH DEPÔTS.

26. Every subordinate, branch, or tahsil treasury shall be a branch depôt for the sale of stamps of all descriptions.

27. The sub-treasurer, or such other officer as the Local Government may direct, shall be the *ex-officio* vendor of stamps at a branch depôt.

28. The officer in charge of the branch depôt shall obtain his supplies from the local depôt to which the branch depôt is subordinate in the same manner as the *ex-officio* vendor at the local depôt obtains his supplies, except that the indent and the stamps must be sent by post or messenger to and from the local depôt; and that the examination of the balance in hand and the comparison of the amounts shown with those shown in the indent shall be done by the officer in charge of the branch depôt.

The *ex-officio* vendor shall obtain his supplies from the officer in charge of the branch depôt in the same manner as the *ex-officio* vendor at the local depôt obtains his supplies from the officer in charge.

29. The supply to be kept in a branch depôt should be equal to the probable demand for three months; but Local Governments may direct that the supply shall be equal to the demand of any other period instead of three months which they may consider expedient. The stock should be kept up to this amount by indenting and obtaining supplies from the local depôt from time to time as may be necessary.

30. Local Governments shall fix the period a supply sufficient for which shall be kept under single lock by the *ex-officio* vendor, and the remainder of the stamps in the branch depôt shall be kept under double lock of the officer in charge of the branch depôt and of the *ex-officio* vendor, and given out to single lock as required.

31. Sales from branch depôts will be made subject to the same rules as those from local depôts.

NOTE.—Rules 19 and 20 relate to Telegraph stamps. No. 21 relates to Service Postage stamps. Rs. 22, 24 and 25 to ordinary Postage stamps.

RETURNS TO AND BY THE SUPERINTENDENT OF STAMPS AND ACCOUNTANTS GENERAL.

32. On the last open day of September and March each year, the officer in charge of each local depôt will count, or have counted in his presence, the stamps in the depôt, both those under double lock and those under single lock, and will require the officers in charge of the branch depôts subordinate to him similarly to count the stamps in the branch depôt. He will attach to the monthly statements for September and March rendered to the Superintendents of Stamps, Madras, Bombay or Calcutta, a certificate in the following form:—

"I do hereby certify that I have personally examined and counted, or had counted in my presence, the stamps of all descriptions in store in this local depôt on the $\frac{\text{September}}{\text{March}}$ 18 and found the value of each description to be as stated in the margin.* Also that I have received certificates from the officers in charge of the subordinate branch depôts that they have similarly counted the stamps in the branch depôts on the last day of the month of $\frac{\text{September}}{\text{March}}$ of which the accounts are incorporated in the Head Treasury accounts, and that these certificates show the value of each description of stamps to be as stated in the margin.†

	Rs.
* General	
Court-fees	
Telegraph	
Postage	
	Rs.
† General	
Court-fees	
Telegraph	
Postage	

The total values of stamps in this depôt and the branch depôts, as found by the above certified examination, are therefore—

	Rs.
General	
Court-fees	
Telegraph	
Postage	

which amounts agree with the balances shown in the monthly statement for $\frac{\text{September}}{\text{March}}$ to which this certificate is attached. *If there is any difference, add* 'with the exception of the following differences:—

.... the

explanation of which is as follows:—

.....'

33. Monthly statements showing the receipts and issues of each local depôt, including the transactions of the subordinate branch depôts, shall be prepared by the officer in charge of the local depôt and forwarded in the first week of the succeeding month to the Superintendent of Stamps, Madras, Bombay or Calcutta, separate statements being prepared for General stamps, Court-fee stamps, Telegraph stamps, and Postage stamps.

These statements shall show for each denomination of stamp the values of the balance in hand at the beginning of each month, of the quantities received from the Superintendent of Stamps or other officer during the month, of the quantity sold during the month, and of the balance in hand at the end of the month. These statements may be forwarded to the Superintendents of Stamps, Madras, Bombay or Calcutta, either direct, or, if the Local Government so order, through any officer named by the Local Government.

(Notn. No. 1949, *B. G. G.*, 1887, Pt. I., p. 272.)

34. These statements shall be checked by the Superintendents of Stamps by comparison with previous statements and the accounts of the central depôt, and shall be used by them to check indents and to watch the balances in the local depôts.

35. Treasury Officers and other officers in charge of local depôts shall forward to the Accountant General or Comptroller such returns of the receipts and sales of stamps as the Comptroller General may direct, in the form of *plus* and *minus* memoranda or otherwise.

36. The Superintendents of Stamps, Madras, Bombay and Calcutta, shall send to the Accountant General or Comptroller such accounts of the transactions of the central and local depôts as the Comptroller General may prescribe.

37. They shall also every six months intimate to the Accountant General or Comptroller for comparison with the amounts shown in the returns received from Treasuries and other local depôts under Rule 35, the receipt of the certificates prescribed in Rule 32, and the amount of stock certified to be in balance in each local depôt.

* Stamps for copies are included under Court-fee stamps.

38. The Comptroller General shall prescribe such rules as he considers necessary for the disposal of the accounts mentioned in the foregoing rules, and for the check of the receipts, issues and sales.

39. The Local Governments of Madras, Bombay and Bengal shall arrange for a periodical verification by counting of the stock of stamps in the respective central depôts. The verification shall be carried out in the manner and form to be prescribed by the Comptroller General, to whom the result will be reported.

40. The Superintendent of Stamps, Madras, Bombay and Calcutta, shall forward every month to the Director General of the Post Office, statements showing the balances and receipts in the central depôt, and the issues to each local depôt of Postage stamps during the month. They shall also send monthly to the Comptroller of the Post Office a statement of the sales during the past month of the several denominations of Postage stamps in the local and branch depôts subordinate to them. The Accountant General or Comptroller will, with his monthly account current with the Examiner of Telegraph Accounts, forward a statement showing the total realisations at each Treasury from the sales of Telegraph stamps during the month. (Notn. No. 1973, *B. G. G.*, 1889, Pt. I., p. 885.)

(1) RULES MADE BY THE GOVERNOR GENERAL IN COUNCIL UNDER SECTIONS 9, 15, 17, 32, 51, and 56, OF THE INDIAN STAMP ACT, 1879.

3rd March 1882.

In exercise of the powers conferred by sections nine, fifteen, seventeen, thirty-two, fifty-one and fifty-six of the Indian Stamp Act, 1879, the Governor General in Council is pleased to make the following rules in supersession of the rules promulgated by Notifications—

No.	1288,*	dated the	3rd March 1882.
,,	2955*	,,	1st December 1882.
,,	1444*	,,	16th March 1883.
,,	3515*	,,	16th October 1885.
,,	434*	,,	28th January 1886.
,,	590	,,	5th May 1886.
,,	1611*	,,	25th June 1886.
,,	2727	,,	24th August 1886.
,,	5700*	,,	26th October 1887.
,,	1662*	,,	14th November 1890.
,,	5881*	,,	19th December 1890.

CHAPTER I.—*Preliminary.*

(Notn. No. 3622, *B. G. G.*, 1891, Part I., p. 425, republishing G. of I. Notn. No. 2170 of 22nd May 1891.)

1. These Rules shall come into force throughout British India on the date of this Notification.

2. All words and expressions used in these Rules and defined in the Indian Stamp Act, 1879, shall be deemed to have the meaning attached to them respectively by the said Act.

3. There shall be two kinds of stamps for indicating the payment of duty on instruments under the Indian Stamp Act, 1879, namely—

(*a*) Impressed Stamps, including—

Impressed Sheets,—that is to say, sheets of paper bearing the impression of stamps of different values engraved thereon and sold to the public for use by them in accordance with these Rules; and

Impressed labels, to be affixed and impressed by Government officers as directed in Chapter III of these rules.

(*b*) Adhesive Stamps sold to the public for use by them in accordance with these rules.

CHAPTER II.—*Of Impressed Sheets.*

4. (*a*) Hundís other than hundís which can be stamped with an adhesive stamp under section 10 of the said Act shall be written as follows:

(1) Hundís payable otherwise than on demand, but not more than one year after date or sight, and for amounts not exceeding Rs. 30,000 in individual value, on impressed sheets bearing the word Hundí;

* Republished at pages 195 to 197, 1048, 246, 1229-30, 92, 549, 886 and 887, 1144 and 1330 of Part I of the *Bombay Government Gazette* dated respectively the 16th March 1882, 7th December 1882, 22nd March 1883, 22nd October 1885, 4th February 1886, 1st July 1886, 3rd November 1887, 20th November 1890, and 25th December 1890.

(2) Hundís exceeding Rs. 30,000 in individual value, and Hundís payable at more than one year after date or sight, on paper supplied for sale by the Government, and to which labels have been affixed by one of the officers mentioned in rule 10 (*b*), or by the Superintendent of Stamps, Calcutta, and impressed by him in manner provided by rule 10.

(*b*) Every sheet of such stamped paper shall be of a size not less than $8\frac{5}{8} \times 5\frac{1}{8}$ inches, and no plain paper shall be joined to it.

(*c*) The provisions in rule 7 (*a*) as to the use of two or more sheets of stamped paper when a single stamp of the required value is not procurable apply also to hundí stamps used under this rule.

*5. Promissory notes and bills of exchange shall, except as provided by section 10 of the said Act and by these rules, be written on plain impressed sheets or on impressed sheets bearing the word 'Hundi.'

6. All other instruments chargeable with duty may be written on impressed sheets (other than impressed sheets bearing the word 'Hundi'), and, except as provided by section 10 of the said Act and by these rules, shall be so written.

7. (*a*) When two or more impressed sheets are used to make up the amount of duty chargeable in respect of any instrument, a portion of such instrument shall be written on each sheet so used.

(*b*) When a single sheet (other than an impressed sheet bearing the word 'Hundi') is found insufficient to admit of the entire instrument being written on the side of the paper which bears the stamp, so much plain paper may be subjoined thereto as may be necessary for the complete writing of such instrument; provided that in every such case the side of the sheet which bears the stamp must be covered by a substantial part of the instrument before any part of the latter can be written on the plain paper joined to such sheet.

(*c*) When any instrument of transfer of shares in a company or association is written on an impressed sheet, and the value impressed thereon is subsequently (in consequence of a rise in the market value of such shares) found to fall short of the amount of duty chargeable under article 60 (*a*), schedule I of the Act, one or more adhesive 'Share Transfer Stamps' hereinafter mentioned may be used to make up the required amount.

8. The duty payable on any instrument chargeable with a duty of one anna may be denoted by a coloured impression marked on a skeleton form of

* Instructions in Resolution No. 6623, dated 15th December 1887, Department of Finance and Commerce, direct the use of impressed sheets for promissory notes drawn or made in British India and chargeable with a duty of more than one anna, except hose chargeable with a duty of 6, 10 or 12 annas, for which hundí stamps are to be used. (B. G. R. No. 302 of 16th January 1888, R. D.)

such instrument by the Superintendent of Stamps at Calcutta, Bombay, Madras, Rangoon or Lahore, or by the Commissioner of Stamps at Allahabad.

CHAPTER III.—*Of Impressed Labels.*

9. Impressed labels may be used for the following instruments and counterparts thereof, namely,—

(1) Administration-bonds;

(2) Affidavits;

(3) Appointments made in execution of a power;

(4) Articles of association of a company;

(5) Articles of clerkship;

(6) Bills of lading;

(7) Charter-parties;

(8) Declarations of trust;

(9) Instruments evidencing an agreement to secure the repayment of a loan made upon the deposit of title-deeds or other valuable security, or upon the hypothecation of moveable property;

(10) Leases printed or lithographed in an Oriental language, when the written matter filled in does not exceed one-fourth of the printed matter;

(11) Memoranda of association of companies;

(12) Notes of protest;

(13) Policies of insurance;

(14) Revocations of trust;

(15) Share warrants issued by a Company in accordance with section 30 of the Indian Companies Act, 1882 (provided that any such share warrant issued previous to the 14th November 1890 and bearing an adhesive share transfer stamp denoting the full amount of duty payable on the warrant shall be held to have been duly stamped);

(16) Warrants for goods;

and for the following, when written in any European language, provided that any instrument written in any European language other than English shall have attached to it a translation in the English language:

(17) Agreements or memoranda of agreements which, in the opinion of the officer empowered to affix the label, cannot conveniently be written on impressed sheets;

(18) Instruments engrossed on parchment and written in the English style, which, in the opinion of such officer, cannot conveniently be written on impressed sheets;

(19) Awards;

(20) Bills of exchange payable otherwise than on demand and drawn in British India;

(21) Bonds ;
(22) Certificates of sale ;
(23) Composition-deeds ;
(24) Conveyances ;
(25) Instruments imposing a further charge on mortgaged property ;
(26) Instruments of apprenticeship ;
(27) Instruments of co-partnership ;
(28) Instruments of dissolution of partnership ;
(29) Instruments of exchange ;
(30) Instruments of gift ;
(31) Instruments of partition ;
(32) Leases ;
(33) Letters of license ;
(34) Mortgage-deeds ;
(35) Powers-of-attorney ;
(36) Reconveyances of mortgaged property ;
(37) Releases ;
(38) Settlements ;
(39) Transfers of the description mentioned in Article No. 60, clauses (*b*), (*c*) and (*d*) of the First Schedule of the said Act.

10. The following officers are empowered to affix these labels to the instruments mentioned in rule 9, namely,—

(*a*) the Collectors of Calcutta and Karáchi and the Huzúr Deputy Collector, Karáchi, when the Collector is absent from head-quarters ;
(*b*) the Superintendents of Stamps at Madras, Bombay, Lahore, Rangoon, Moulmain and Akyab ;
(*c*) the Commissioner of Stamps, North-Western Provinces and Oudh ;
(*d*) the Superintendent of Stamps (Political Resident), Aden.

11. (*a*) Every such officer shall, upon any instrument mentioned in rule 9 being brought to him before it is executed, and application being made to him for that purpose, affix thereto a label or labels of such value as the applicant may desire and pay for, and impress such label or labels by means of a stamping-machine, and also stamp or write on the face of the label or labels the date of impressing the label or labels before returning the instrument to the applicant. In the case of instruments written on parchment, the labels must be further secured by metallic eyelets.

(*b*) When the stamp duty amounts to five rupees or upwards, such officer or some principal assistant of such officer appointed by the Local Government from time to time in this behalf, shall further write on the face of the label or labels his initials, and, when the stamp duty amounts to rupees twenty or upwards, shall also attach his usual signature to the instrument, immediately under the labels.

In Calcutta the Deputy Collector and the Superintendent of the Stamp Department of the Collector's Office as well as the Collector are empowered to initial any label or labels, and to attach their usual signatures to any instrument immediately under the labels.

The Superintendent in the office of the Superintendent of Stamps, Lahore, is empowered to initial any label or lables, and to attach his usual signature to any instrument immediately under the lables, during the absence of the Superintendent of Stamps from Lahore.

12. (*a*) The payment of duty on instruments (other than instruments which, under section 10 of the said Act, may be stamped with adhesive stamps) executed out of British India and requiring to be stamped after their receipt in British India, shall be indicated only by impressed labels.

(*b*) When any such instrument is taken to the Collector under section 17 of the said Act, the Collector, unless he be Collector of Calcutta or Karáchi, shall send the instrument to one of the officers mentioned in rule 10, remitting the amount of duty paid in respect of such instrument; and such officer shall stamp the instrument in the manner prescribed by Rules 11 (*a*) and 11 (*b*), and return the same to the Collector for delivery to the person by whom it was produced.

CHAPTER IV.—*Adhesive Stamps.*

13. Bills-of-exchange, payable otherwise than on demand and drawn in sets, when the amount of stamp duty does not exceed one anna for each part of the set, may be stamped with adhesive stamps.

14. Except as otherwise provided in these rules, the adhesive stamp used to denote the duty of one anna shall bear the words "one anna."

15. The following instruments, when stamped with adhesive stamps, shall be stamped as follows:

(*a*) Bills-of-exchange, cheques, and promissory notes drawn or made out of British India, and chargeable with a duty of more than one anna, with adhesive stamps bearing the words "Foreign Bill."

(*b*) Transfers of shares of public companies and associations, with adhesive stamps bearing the words "Share Transfer."

(*c*) An entry as an advocate, vakil, or attorney on the roll of any High Court with an adhesive stamp bearing the word "Advocate," "Vakil," or "Attorney."

(Such stamp shall be affixed under the superintendence and responsibility of a gazetted officer of the High Court, who shall obtain the stamp from the Superintendent of Stamps and account to him for it. The gazetted officer who affixes the stamp shall write on the face of it his usual signature and the date of signature before parting with the instrument).

(*d*) Notarial Acts, with adhesive Foreign Bill stamps bearing the word "Notarial" printed over them.

CHAPTER V.—*Miscellaneous.*

16. When it is necessary, under section 15 of the said Act, to denote upon one instrument the

payment of duty in respect of another, such payment shall be denoted by an endorsement under the hand of the Collector on the former instrument.

17. Every payment made under section 30 of the said Act shall be made in cash.

18. The Collector may require every person claiming a refund or renewal under Chapter VI. of the said Act, or his duly authorized agent, to make an oral deposition on oath or affirmation, or to put in an affidavit, setting forth the circumstances under which the claim has arisen. The Collector may also, if he thinks fit, call for the evidence of witnesses in support of the statement set forth in the deposition or affidavit of the claimant or his agent.*

19. Any Magistrate convicting or trying an offender under Chapter VIII. of the said Act may grant to any person who may have contributed to the conviction, a reward within a limit to be fixed by the Local Government.

RULES BY THE GOVERNOR IN COUNCIL UNDER SECTION 55.

The following Rules made by the Government of Bombay under section 55 of the Indian Stamp Act, No. I of 1879, are published for general information:—

1. For the purposes of these Rules stamps are divided into three classes:— (G. N. No. 5311, *B. G. G.*, 1881, Pt. I., pp. 505 to 507.)

Class I., *Impressed stamps*—that is to say, sheets of paper bearing the impression of stamps of different values engraved thereon and sold to the public for use by them in accordance with the Rules *published in the Bombay Government Gazette under Government Notifications† No. 1251 dated 2nd March 1881 (republishing Government of India's Notification No. 875 dated the 26th February 1881), and No. 3300 dated the 8th June 1881 (republishing Government of India's Notification No. 966 dated 4th idem)*, and Hundi stamps, that is, papers supplied for sale by the Government, and to which stamped labels have been affixed by one of the officers mentioned in Rule 7, clause (*b*) of the

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NOTE.—A lease, for one year certain, containing an expression on the tenant's part of readiness to hold the land longer at the same rent if the landlord should desire it, is a lease for a term not exceeding one year. (I. L. R., 2 Bom., 21).

2. There is nothing in the law to vitiate an instrument partly written on the reverse side of an impressed stamp paper. Section 12 of the Stamp Act, however, requires the stamp to appear on the face of the instrument, so that it is necessary that part of the instrument should be written on the side of the paper which bears the stamp impression. *Bombay Government Gazette* of 9th March 1891, p. 423.)

3. The whole consideration in respect of which a judicial sale is liable to duty (when the sale is made subject to a mortgage lien) is the sum of the purchase-money and the principal money (but not the interest due at the time of the sale on such mortgage. (I. L. R., 5. Bom., 470.)

*The Collector may delegate the inquiry to a Mámlatdár or Mahálkari, provided he passes final order himself. Memo. of Legal Remembrancer. (G. R. 211 of 14th January 1880.)

†These notifications were superseded by the Government of India's Notification 1288 of 3rd March 1882, which, in its turn, has been superseded by the Government of India's Notification No. 2170 of 22nd May 1891. Vide *supra* p. 314.

above-mentioned Rules, and defaced by him in manner provided by Rule 8.

Class II., *Adhesive stamps**—that is, stamps sold to the public for use by them in the case of instruments mentioned in section X. of the said Act.

Class III., *Impressed labels*—that is, stamps affixed only by Government officers in the manner prescribed in the above-mentioned Notifications.

2. Stamps in Class I. shall be sold by *ex-officio* and licensed vendors in accordance with these rules.

(Notn No. 1080, *B. G. G.*, 1884, p. 169.)

8. Stamps in Class II. shall be sold as follows:—

India Revenue, Foreign Bill and Share Transfer Stamps—By *ex-officio* and licensed vendors.

Samps for Notarial acts—By *ex-officio* vendors only.

4. Such officers as Government may appoint shall be *ex-officio* vendors, who shall sell such stamps as they may be directed. The Treasurer of each Local Treasury shall be an *ex-officio* vendor of stamps.

5. In the Presidency Town there shall be two *ex-officio* vendors of stamps who shall be members of the establishment of the Superintendent of Stamps. The duties of one of these *ex-officio* vendors shall be confined to the sale of stamps of Class I. The second *ex-officio* vendor shall sell stamps of Class II.

(Notn. No. 385, *B. G. G.*, 1883, Pt. I., p. 60.)

6. Such persons as may be licensed by the Collector or other officer empowered by Government to grant licenses shall be licensed vendors, who shall sell such stamps and of such values as may be indicated in their licenses and no others.

NOTE.—Whenever it is deemed necessary that a license should be granted for the sale of any general stamp of the value of Rs. 50 and upwards for the convenience of the public which cannot be otherwise attended to, the sanction of Government should be obtained.

7. Every license granted under the last Rule shall be in the following form:—

"To_____

LICENSE NO.

Bombay,

Dated 18 .

You are hereby authorized to sell stamps of the following description (that is to say:)—

(*here insert description of stamps*)

at (*here insert the No. of the house and name of street, &c., at which the stamps are to be sold*) in the { City of Bombay / or Táluka. }

*The rules relating to *postage labels* sold to the public for use are given at the beginning of this Part. The Stamp Act does not apply to postage stamps. Any person may be a *bonâ fide* retail vendor of postage stamps labels.

The Stamp Act is applicable to the sale of receipt-stamps, and any person who is not appointed under the rules made under section 55 of the Act, selling or offering for sale such stamps is liable to punishment under section 68. (G. R. 2763 of 27th April 1882.)

subject to the provisions of the rules from time to time in force under section 55 of the Indian Stamp Act, 1879.

(Signed) Collector (or other officer empowered under Rule 6).

NOTE.—This license is revocable at any time by the Government of Bombay or by the Collector of.....

8. Every license shall be revocable at any time by Government or by the authority who granted it.

9. The following rates of discount shall be allowed to licensed vendors and the public :—

(1) Stamped papers (including Hundi stamps)—

To vendors licensed at places where stamps are sold by Government	Rs. 3 per cent.
To vendors licensed at other places	,, 5 do.

(2) Adhesive stamps—

To vendors licensed at any place—	
On stamps not exceeding in value 8 annas each, in quantities of not less than Rs. 5 in amount	Rs. $3\frac{1}{8}$ per cent.
On stamps exceeding in value 8 annas each, but not exceeding in value Rs. 5 each, in quantities of not less than Rs. 50 in amount	,, 2 do.
On stamps exceeding in value Rs. 5 each, but not exceeding in value Rs. 50 each, in quantities of not less than Rs. 100 in amount	,, $1\frac{9}{16}$ do.
To the public—	
No discount shall be granted on the sale of adhesive stamps to the public.	

(Notn. No. 3971, *B. G. G.*, 1885, Pt. I., p. 1282.)

NOTE.—Licensed vendors will not be allowed any discount on the purchase of any general stamp, of which the value is more than Rs. 50.

10. Licensed vendors shall ordinarily be required to pay ready money for all stamps supplied to them. But stamps of Class I may be issued on credit at such places as may be specially sanctioned by Government : Provided that the vendors give sufficient security to cover the value of stamps issued to them and that the discount allowed on the sale of such stamps shall in no case exceed two per centum.

11. Every licensed vendor shall at all times have stuck up in a conspicuous station, outside his place of vend, a sign-board bearing, in English and in the vernacular language of the district, his name and the words "Licensed Vendor of Stamps." He shall also have in his place of vend, placed so that they can readily be seen and read by purchasers, a copy of the Indian Stamp Act and of its schedules, and a copy of these rules in English and the said vernacular, with copies of all Notifications of the Governor General in Council modifying or in any way amending the schedule of stamp rates.

* 12. Every *ex-officio* or licensed vendor shall with his own hand write on the back of every stamp of Class I which he sells a serial number, the date of sale, the name and residence of the purchaser (*i.e.*, of the person for whom the stamp is bought), and the value of the stamp in full in words and his own ordinary signature; at the same time he shall make corresponding entries in a register to be kept by him in the following form:—

Date.	Serial Number.	Description of Stamps.	Value of Stamps.	Name of Purchaser.	Residence of Purchaser.

No vendor shall knowingly make a false endorsement on the stamp sold or a false entry in his register.

(G. N. No. 7180, *B.G.G.*, 1889, Pt. I, p. 822.)

12A. Provided that whenever at the General Stamp Office, Bombay, a demand for more than one hundred impressed stamps or hundi stamps of any one description and value is made on one and the same day by one and the same purchaser, the date of sale, the name and residence of such purchaser, and the value of each such stamp may, instead of being written by the *ex-officio* stamp vendor, be printed on each such stamp.

(Notn. No. 4969, *B. G. G.*, 1891, Pt. I., p. 616.)

13 (*a*). Whenever application is made to a stamp-vendor for an impressed stamp of a specified value not exceeding the highest value which such stamp-vendor is authorized to sell, he shall, if he is able, furnish a single stamp of the required value.

(*b*). If the stamp-vendor is unable to furnish a single impressed stamp of the required value, he shall supply to the purchaser the smallest number of impressed stamps which he can furnish so as to make up the required value, and shall give to the purchaser a certificate signed by himself that he is unable to furnish a single stamp of the required value and that the stamps with which he supplies the purchaser, which he shall specify in the certificate,

* The writing of the name of the purchaser and other particulars on the back of stamp is required in the case of impressed stamps by the Rules for the sale of stamps. The rules go no further than to require these endorsements to be made by the stamp vendors, and there is no provision of the Acts or of any rule made under them that a stamp so endorsed may only be used by or on behalf of the person whose name is so endorsed. The purpose of the rules requiring the endorsement seems to be merely the provision of a means of ascertaining when, where, and by whom a stamp has been purchased. But there is nothing to prevent an impressed stamp purchased by one person being used by some other person.

2. As regards Court-fee adhesive stamps, there is not even a rule to require "the name of the purchsser, the date of sale and the signature of the vendor" to be written in the blank space left for them. Government Resolution No. 3780 of 16th May 1883, Revenue Department, is the only authority for the practice. Act XVIII of 1869 having been wholly repealed by Act I of 1879, there is no law under which rules for the sale of Court-fee stamps can now be framed (*vide* section 34 of Act VII of 1870). Government may, of course, issue executive orders as in the abovementioned Resolution, but such orders have not the force of law.

3. I am of opinion, therefore, that adhesive Court-fee stamps as well as impressed stamps used under the General Stamp Act or the Court-fees Act can legally be used by persons other than those whose names they bear as purchasers. Memo. by Legal Remembrancer. (G. R. No. 7199, 9th September 1884, R. D.).

are the smallest number which he can furnish so as to make up the required value.

14. Nothing in the last preceding rule shall be deemed to authorize a stamp-vendor to give a certificate as aforesaid when the value of the stamp required exceeds the highest value which he is authorized to sell or to furnish a purchaser with two or more impressed stamps in order to make up any such value.

15. Every licensed vendor shall, without delay, deliver any stamp which he has in his possession for sale on demand by any person tendering the value in any currency which would be accepted on behalf of Government by the Collector of the district. A license vendor shall not demand or accept for any stamp any consideration exceeding the value of such stamp.

16. No vendor shall sell any stamps the use of which has been ordered by competent authority to be discontinued.

17. Except at the Presidency Town, the accounts to be kept and rendered by licensed vendors shall be in accordance with the forms prescribed in Hope's Manual of Revenue Accounts or by Government.

18. At the Presidency Town each licensed vendor shall keep a book, showing in detail the supplies purchased from the Stamp Office and the daily sale. At the close of each month he shall submit to the Superintendent of Stamps a statement in the form of Appendix A.

19. Licensed vendors must give security for the due performance of their duties. The security bond to be taken from them shall be in the form of Appendix B. The amount of the security shall be fixed in each case by the Collector or other authority who gives the license, but as stamps will ordinarily only be supplied to the licensees on payment of ready money, it need not be large.

20. No licensed vendor shall at any time offer any objection or resistance to the inspection of his register or the examination of the store of stamps in his possession by any officer duly authorized by the Collector or by Government to make such inspection or examination.

21. Every licensed vendor shall, at any time, on the demand of the Collector or other officer duly authorized by Government, deliver up all stamps of Class I remaining in his possession: Provided that, if such stamps have been paid for, he shall be entitled to receive back the value thereof, less any discount which he may have been allowed.

22. If a licensed vendor shall at any time desire to discontinue his business, he shall be entitled, on delivering up his license and all unsold stamps remaining in his possession, to receive back the value of such stamps, if they have been paid for, less any discount which he may have been allowed. (Not. No. 3297, *B. G. G.*, 1891, Pt. I., p. 397, 14th May 1891.)

APPENDIX A. (*See Rule* 18.)

Account of.....*Licensed Stamp Vendor at*.....*No.*

DATE.	PARTICULARS.	GENERAL STAMPS.				TOTAL.
		Stamped Papers.		Hundis.		
		Number of Papers.	Amount.	Number of Papers.	Amount.	
	Balance ... ... Received as per Indent of ... ... Ditto ditto ... Ditto ditto ... Total ... Sold during the month . Balance					

APPENDIX B (*See Rule* 19.)

Know all men by these presents that we, *A. B.*, resident of....., and *C. D.* resident of....., and *E. F.*, resident of ....., are jointly and severally held and firmly bound unto the Secretary of State for India in Council in the sum of Rupees.....of good and lawful money current in Bombay, to be paid to the said Secretary of State, or his certain Attorney, agents, successors, or assigns, for which payment well and truly to be made we jointly and severally bind ourselves, and each of us, and our respective heirs, executors, administrators, and representatives, by these presents. Sealed with our respective seals. Dated this.....day of.....in the year of Christ One thousand Eight hundred and.....

Whereas according to the provisions of the rules in this behalf framed under Section 55 of the Indian Stamp Act of 1879 the above bounden *A. B.* has been duly appointed to vend at.....in the .....certain stamps on the part of Government, and whereas the above bounden *C. D.* and *E. F.* have agreed to join with the said *A. B.* in the above written bond or obligation, subject to the conditions hereunder written, as the surety or sureties of the said *A. B.* for his strict observance, for and during all the time that he the said *A. B.* has been or shall continue to be such vendor of stamps, of the duties of his said office, and of all and every the rules authorised by or referred to in the said Act to be observed by all vendors of stamps according to the true intent and meaning of the said Rules and every of them, and also for his the said *A. B.*'s strict observance, for and during all the time that he shall continue to be such vendor of stamps, of such future acts, with such penalty, and after such form as may be required by the Collector of.....

Now the condition of the above written bond or obligation is such, that if the above bounden *A. B.* has, for and during all the time that he the said *A. B.* has been such vendor of stamps as aforesaid well, truly, faithfully, and diligently done, executed and performed, and do and shall, for and during all the time that he the said *A. B.* shall continue vendor of stamps, well, truly, faithfully, and diligently do, execute, and perform all and every the duties belonging to the said office of vendor of stamps, and has faithfully, justly, and exactly observed, performed, fulfilled, and kept, and shall faithfully, justly, and exactly observe, perform, fulfil, and keep all and every the rules mentioned or referred to in the said Act to be observed by all vendors of stamps according to the true intent and meaning of the said rules, and every of them and also if the said *A. B.* shall well and truly observe, perform, fulfil, and keep such future acts, with such penalty and after such form as may be required by such Collector of.....according to the true intent and meaning of the said last mentioned Act; and if the said *A. B.*, his heirs, executors, or administrators shall indemnify and keep and save harmless the said Secretary of State for India, his successors, and assigns of and from all loss and losses, damage and damages, which has or have happened or accrued to, or been sustained by him, the said Secretary of State for India, or which may or shall happen or accrue to, or be at any time or times sustained by him the said Secretary of State for India, his successors, or assigns, by, from, or through, or by the means of the neglect, default, insolvency, or misconduct of him the said *A. B.*, his executors or administrators or agents or his or their executors or administrators, not fully accounting for and paying to the said Secretary of State for India, his successors, or assigns, what may be justly due and owing to him by the said *A. B.* as vendor of stamps as

aforesaid, or through or by means of the neglect, misconduct, omission, or insolvency of the said *A. B.* as such vendor of stamps as aforesaid; and also shall well and truly pay or cause to be paid into the hands of the Collector of .....for the time being, or to such other officer or person as the Government of Bombay shall from time to time direct or appoint, any penalties, forfeitures, dues or other sum or sums of money which now have been, or shall, or may be at any time hereafter incurred, or any penalties which may become payable by the said *A. B.*, as such vendor of stamps, under or by virtue or by reason of the said Rules, or by any of them or by any such future Rule or Act, Rules or Acts, as shall hereafter be in that behalf passed in due form of law, relating to the said duties of stamp vendors when and so often as all or any such penalties, forfeitures, dues and other sum or sums of money shall be so incurred or become payable by the said *A. B.*, then this obligation to be void and of no effect, but otherwise to be and remain in full force and virtue.

Signed, Sealed, and Delivered at.....

In our presence

_____

_____

(Signed) *A. B.*
C. D.
E. F.

ADDITIONAL ORDERS, RULINGS, &c.

Refund and renewal of spoiled and useless Stamps.

Under Chapter VI. of the Indian Stamp Act, 1879, provision is made for the renewal or refund of the value of stamps spoiled or rendered useless, or which for any reason are not required by the possessor, on the condition that the application for such renewal or refund shall be made within six months from the date on which the stamp was spoiled, or on which it was rendered useless, or on which it was purchased.

Instances have occurred in which this limit has operated as a serious hardship. Without any fraudulent motive, holders of spoiled or useless stamps are sometimes unavoidably prevented from applying for refund or renewal within the prescribed period, and so cannot, under the provisions of the Act, obtain any relief. In such cases an order of the Government of India is now necessary before refund can be sanctioned. For the future the Governor General in Council authorises Local Governments to allow refunds or renewals of spoiled or useless stamps, or the repurchase of stamps not required, provided that application for renewal or refund be made within one year from the date of purchase of the stamp, or one year from date on which the stamp has been spoilt or rendered useless. (G. R. 601 of 28th January 1881.)

The sanction of the Local Government should be obtained in each case. (G. R. 1472 of 11th March 1881.)

Rules as to sale by District Officers of Court-fee and Revenue Stamps while moving in the Districts on their annual tours.

I. Revenue officers* shall be supplied with Court-fee and Revenue stamps from the Treasury, before proceeding on tour, for sale to *bonâ fide* petitioners in places where such stamps are not readily procurable.

II. The Court-fee stamps shall consist of the two denominations of one and eight annas and the Revenue Stamps of one denomination of one anna each.

III. The stamps so issued should be considered as a portion of the stock of the Treasury ("Depôt" or "Branch Depôt") from which they are taken and should be represented there by the receipt of the Revenue Officer until duly returned or accounted for.

IV. As often as possible during the tour fresh stamps should be purchased from the most convenient "Depôt" or "Branch Depôt" in lieu of those sold, and on returning to the station, the head of the office should account for the stamps issued to him and get back his receipt.

V. The kárkún entrusted with the duty of selling stamps should be allowed, in addition to his pay, a commission at the sanctioned rate on the realizations for his trouble and responsibility in the matter. (G. R. 6376, 9th September 1886, R. D.)

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* The term Revenue officers in the above rules is to be held to include all Revenue officers who have to receive stamped petitions while on tour. This includes Mámlatdárs in the N., C. and S. Divisions and Muktiarkars in Sind. (G. R. 8372, 27th November 1886, R. D., and G. R. 8607, 7th December 1886, R. D.) District Officers are allowed to sell when on tour Revenue stamped papers of four and eight annas in places where stamps are not readily procurable. (G. R. 9024, 24th December 1886, R. D.)

Sale of stamps by a person not authorized to sell them.

One Sobharam Trambakji was convicted by the Second Class Magistrate of Dohád of selling a stamp without authority to do so under Section 68 of Act I. of 1879, and sentenced to pay a fine of Rs. 15 or in default to suffer one month's rigorous imprisonment; the case was under Section 438 of the Criminal Procedure Code referred to the High Court, which passed the following order:—

"As the accused is not a person appointed to sell stamps and has sold a stamp the conviction under Section 68 of Act I. of 1879 seems quite legal;" (G. R. 1125, 19th February 1887, R. D.)

High Court Rulings on various Sections of the Act.

Section 3 (4) Bond.—An attested instrument reciting that an account was made up of principal and interest due on a former bond executed by the same obligor, and that a certain sum was found due at the date of the instrument, the obligor promising to pay interest at a certain rate on the sum thus found due and to pay the principal on demand. *Held* a bond within the definition in I. of 1879, requiring to be stamped accordingly (I. L. R., 8 B., 297).

Agreement to repay Loan of Grain.—An attested instrument in which the obligor states that he borrowed a certain quantity of grain from the obligee and agreed to repay it at a future time in greater quantity is a bond within section 3 (4) (*b*) of I. of 1879 although the instrument is silent as to the money value of the grain. When the value of such instrument was ascertained to be less than Rs. 10, it was held properly stamped as a bond with a stamp of 2 annas (I. L. R., 7 B., 137).

One document containing contracts binding on several persons severally.

Sixteen persons borrowed a quantity of rice and executed a bond for the debt showing how much had been borrowed by each. They did not bind themselves to repay jointly and severally. *Held* that the instrument should be regarded as comprising sixteen distinct contracts, so as to fall within the purview of Section 7 of I. of 1879 and should be stamped accordingly (I. L. R., 10 B., 47).

Surety's contract added after Principal's.

Section 7.—A bond in which the contract of the principal was written first, and after his signature followed the contract of the surety signed by the latter, was held not open to objection under Sections 7, 13 and 14 of Act I. of 1879 (I. L. R., 5 B., 188).

Stipulations to repay Mortgagor for protecting title.

A mortgage does not require additional stamp duty on account of stipulations to repay the mortgagor costs incurred in protecting the title (I. L. R., 9 B., 435).

Section 12.—For the meaning of the words "on the face of the instrument" *vide* I. L. R., 5 B., 188.

Section 7 and Schedule I, Article 54.—In one and the same instrument two brothers relinquished their rights to certain property in favour of a third brother who undertook to discharge certain debts and pay them an annuity. *Held* that the instrument was a release only under Article 54. (I. L. R., 9 B., 417.)

Section 24 and Schedule I, Articles 16 and 21.—If property is sold at a Court auction subject to a mortgage and the amount of the mortgage is set out in the certificate of sale, the stamp duty must be calculated (under section 24 and Articles 16 and 21 of Schedule I.) on the amount of the purchase money paid at the sale *plus* the *principal* (not the interest) set forth in the certificate as due on the mortgage. It is otherwise if the mortgage is only recited in the proclamation of sale and not expressly set out in the certificate of sale.

Arrears of interest due on the mortgage in such case must under Section 23 be excluded in calculating the stamp duty (I. L. R., 5 B., 470).

Certificates to eight persons of property sold subject to one mortgage.

Where immoveable property was sold at a Court-sale in eight lots to different persons subject to one mortgage, the whole of the principal due on the mortgage and not a proportionate amount *plus* the price paid for each lot at the auction sale was to be regarded in calculating the *ad valorem* stamp duty as the consideration for each purchase on which a separate sale certificate was obtained (I. L. R., 10 B., 58).

Section 34.—The question for the Court is whether a document when tendered in evidence bears the proper stamp on it. The Court need not and cannot go into the question as to when the stamp was affixed (I. L. R., 12 B., 208; 24, W. R., 198).

Sections 37—40 and 61.—The Collector is bound to give an opportunity for the payment of duty and penalty to a person before proceeding against him under Section 61 (I. L. R., 7 B., 82).

Section 61.—Merely receiving an unstamped instrument does not amount to abetment of its execution (I. L. R., 7 B., 82).

Section 64.—A prosecution for refusing to give a receipt cannot be instituted without the sanction required by Section 69 (I. L. R., 9 B., 27).

Schedule 1, Article 1.—An account stated containing no promise in writing is sufficiently stamped with one anna (I. L. R., 8 B., 194).

Articles 5 and 28.—Indemnity note given to a Railway by a consignee is not an indemnity bond within Article 28 but an agreement, Article 5 (*c*), chargeable only with an 8-anna stamp (I. L. R., 5 B., 478).

Article 13.—The Government of India considers that declarations of trust should be charged with stamp duty on an *ad valorem* scale, similar to that prescribed for bonds in Article 13 of Schedule I of the Stamp Act, subject, however, to a maximum duty of Rs. 15 (Memo. of Government of India, Department of Finance and Commerce quoted, G. R. 317, 17th January 1888, R. D).

Article 37.—Instrument of Partition.—An award for partition signed in token of assent by the parties interested requires to be stamped under Article 37 (I. L. R., 9 B., 50).

Article 44.—Article 44 (*a*) applies only where the possession is to be given at the time of execution (I. L. R., 8 B., 310).

Receipts passed by Municipalities on account of house-tax and cesses, &c., for sums exceeding Rs. 20 are not exempt from stamp duty.

Judgment of the High Court in Reference No. 36 of 1886 made by the Commissioner in Sind under Section 46 of the Indian Stamp Act I. of 1879.

We think the question referred to us must be answered in the affirmative. The receipt sent up with the reference is one for the payment of money "the amount * * * * * of which exceeds twenty rupees." It is, therefore, an instrument requiring a stamp under Act I., of 1879, Schedule I. Article 52, unless it comes under Schedule II., Article 15 (*b*). That article exempts from stamp duty a receipt for payment of money "without consideration." The exemption was intended apparently to apply to receipts for "voluntary" payments, which in the ordinary legal acceptation of the term are payments without consideration, such as payments made merely in consideration of natural love or affection or mere gifts. The receipt in question is one for payment of house rate due to the Municipality under the Act constituting the Municipality. The payment is not gratuitous; but one in satisfaction or discharge of a legal obligation imposed by the Act, and in order to relieve the payer from the consequence which would ensue in case of his committing default, and is therefore not one without "consideration." (G. R. 5862 1st September 1887, R. D.)

Schedule 2, Article 13.—A lease of immoveable property for any purpose other than cultivation is not exempted by Article 13 (*b*), Schedule II. . (I. L. R., 10 B., 173.)

Meaning of "Cultivator."—The term cultivator in Article 13 does not include middlemen, but those who cultivate themselves or by the members of their household or with their own stock. (I. L. R., 5 All., 360.)

REDUCTIONS AND EXEMPTIONS (STAMP ACT).*

(Notn. No. 5855, *B.G.G.*, 1889, Part I, pp. 1008 and 1017.)

Under section 8 of the Indian Stamp Act, I of 1879, it is hereby notified that, in exercise of the power to reduce or remit, whether prospectively or retrospectively, in the whole or any part of British India, the duties with which (*a*) any instruments, or (*b*) any particular class of instruments, or (*c*) any of the instruments belonging to such class, or (*d*) any instruments when executed by or in favour of any particular class of persons, or by or in favour of any members of such class, are chargeable, the Governor General in Council has been pleased—

(1) to direct that the duties chargeable on the instruments specified in the first column of the first schedule to this notification shall be reduced to the amounts respectively indicated in the second column of that schedule, and

(2) To remit the duties chargeable on the instruments specified in the second schedule to this notification.

2. All previous notifications under section 8 of the Indian Stamp Act, I of 1879, are hereby cancelled, but not so as to affect their past operation.

THE FIRST SCHEDULE.

Instruments on which Stamp-duty is reduced.

1	2
Description of Instrument.	Proper Samp-duty.
1. *Agreement* executed for service or for performance of work in a coffee plantation in the Madras Presidency, Coorg or Mysore, when the advance given under the agreement does not exceed twenty rupees.	One anna.
2. *Charter-party* containing a clause as to the payment of compensation in case of breach of the contract evidenced thereby.	One rupee.
3. *Instrument evidencing an agreement to secure the repayment of a loan* made upon any mortgage of a crop, whether the crop is or is not in existence at the time of the mortgage. (*a*) When the loan is repayable not more than three months from the date of the Instrument.	Half the duty chargeable under the Indian Stamp Act, I of 1879, Schedule I, Article II (*b*), on a Bill of Exchange for the amount secured.
(*b*) When the loan is repayable more than three months, but not more than one year, from the date of the Instrument.	The same duty as that chargeable under the Indian Stamp Act, I of 1879, Schedule I, Article II (*b*), on a Bill of Exchange for the amount secured.
4. *Instrument of gift* of shares in a Company or Association.	The same duty as that chargeable under the Indian Stamp Act, I of 1879, Schedule I, Article 60 (*a*), on a transfer of shares for a consideration equal to their value, as set forth in the instrument of gift.
5. *Instrument of partition* of land held on settlement for a period not exceeding thirty years and paying the full assessment to the Government.	Not to exceed the amount chargeable on a valuation of the land at five times the annual revenue.
6. *Policy of insurance* effecting a re-insurance, by an Insurance Company which has granted a policy of sea-insurance or a policy of insurance against loss by fire, with another Company by way of indemnity or guarantee against the payment on the original insurance of a certain part of the sum insured thereby.	One rupee.
7. *Power-of-attorney* of the kind specified in the Indian Stamp Act, I of 1879, Schedule I, Article 50 (*b*), when required in suits or proceedings under the Presidency Small Cause Courts Act, XV of 1882.	Eight annas.

* For reductions and remissions of *Court-fees vide infra*, p. 342.

1	2
Description of Instrument.	Proper Stamp-duty.
8 *Proxy* executed by a female, empowering any person to vote— (*a*) at any one election of members of a Local Board, held under the provisions of the Bombay Local Boards Act (Bombay Act I of 1884) or (*b*) at any one election of Municipal Commissioners held under the provisions of the Bombay District Municipal Act Amendment Act (Bombay Act II of 1884).	One anna.

THE SECOND SCHEDULE.

Instruments exempted from Stamp-duty.

1. *Agreements*—

(*a*) of the kind described in the Dekkhan Agriculturists' Relief Act, XVII of 1879, section 42;

(*b*) executed under the Indian Emigration Act XXI of 1883, section 35, sub-section (*1*);

(*c*) made under Act II of 1886 (*An Act for imposing a tax on income derived from sources other than agriculture*), section 9, sub-section (*2*);

(*d*) respecting the occupancy of land, whether surveyed or not, and the payment of the land-revenue therefor, executed under the Bombay Land-revenue Code (Bombay Act V of 1879) or any rules made under that Act;

(*e*) or declarations, by which a tender made to an Executive Commissariat Officer is accepted as a contract, when the deposit of the contractor as security for his contract is made in Government of India Loan Notes or in cash;

(*f*) agreement papers passed by Commissariat contractors when their security deposits are transferred to a Savings Bank;

(*g*) made with Railway Companies or Administrations for the conveyance of goods;

(*h*) made with Railway Companies or Administrations which purport to limit the obligations or responsibilities of those Companies or Administrations as carriers under the Indian Contract Act, IX of 1872, sections 151 and 161, and are in a form approved by the Governor-General in Council under the Indian Railway Act, IV of 1879, section 10;

(*i*) or indemnity bonds given to Railway authorities by consignees (when the railway receipt is not produced) in respect of the delivery of articles carried at half parcels rates, namely, fresh fish, fruits, vegetables, bazár baskets, bread, meat, ice and other perishable articles.

2. *Bills of Exchange*—

(*a*) drawn quarterly by the Government of Portuguese India for the money payable to that Government under Article XV of the Anglo-Portuguese Treaty;

(*b*) drawn in Mysore, the Hyderabad Assigned Districts or the Cantonment of Sikandarabad on which the full rate of stamp-duty has been paid there, when the same are negotiated in British India.

3. *Bills of Lading*—

executed out of British India and relating to property to be dilivered in British India.

4. *Cheques*—

drawn in Mysore, the Hyderabad Assigned Districts or the Cantonment of Sikandarabad on which the full rate

of stamp-duty has been paid there, when the same are negotiated in British India.

5. *Copies or Extracts*—

(*a*) copies of instruments which the Village Registrar has to deliver to the parties under the Dekkhan Agriculturists' Relief Act, XVII of 1879, section 58;

(*b*) copies of, or extracts from, baptismal, marriage or burial registers certified by Government Chaplains, subsidised or unsubsidised Clergyman, or Diocesan Registrars, and granted to

(1) soldiers, sailors or non-commissioned or petty officers, or

(2) persons in needy circumstances, in whose favour Chaplains may exercise the discretionary power vested in them by Rule IV of Division III of the rules published under Notification No. 103, dated the 20th June, 1885, in the *Gazette of India* of the 27th idem, Part I, page 346;

[*N.B.*—This exemption is in respect of any stamp-duty with which the copies or extracts might otherwise be chargeable.]

(*c*) copies or extracts certified by patwaris to be true copies of, or true extracts from, records or papers which they are required to prepare or keep by any rule made by the Chief Commissioner under the Central Provinces Land-revenue Act, XVIII of 1881, section 146, when the copy or extract is furnished by a patwari to a malguzar or tenant of or in the village with which the copy or extract is concerned.

6. *Debentures*—

(*a*) debenture bonds issued by a Joint Stock Company under the terms of a mortgage-deed making over in whole or in part the property of the Company to trustees for the benefit of the debenture-holders, and interest coupons attached to the said debentures;

(*b*) the debenture bonds of the loan of Rs. 20,00,000 raised by the Government of His Highness the Mahárája of Mysore for the construction of a line of Railway from Bangalore to Tiptoor, when the said bonds are negotiated in British India;

(*c*) certain debentures issued by Municipal and other bodies (as specified in the Notification).

N.B.—This exemption is in respect of any stamp-duty with which the debentures might otherwise be chargeable on renewal, sub-division or consolidation.]

7. *Instruments*—

(*a*) executed for the purpose of securing the repayment of loans made or to be made under the Agriculturists' Loans Act, XII of 1884 or under Rule 147 of the rules framed under the Burma Land and Revenue Act, II of 1876;

(*b*) in the nature of a memorandum or agreement furnished to, or made or entered into with, Executive Commissariat Officers by Contractors;

(*c*) in the nature of a memorandum or agreement furnished to, or made or entered into with, the Ordnance Department, the Army Clothing Department or the Public Works Department by Contractors for the due performance of their contracts;

(*d*) executed by officers of the Government or their sureties to secure the due accounting for property received by those officers by virtue of their office;

(*e*) whereby proprietors and others in the Central Provinces engage with the Government for the maintenance and remuneration of patwaris;

(*f*) conveyances by endorsement of rights secured by instruments known as "Sattas". (this clause applies only to the Central Provinces);

(*g*) pattas granted by an officer of the Government or by any assignee of Government revenue in the Madras Presidency to holders of land under raiyatwar settlements;

(*h*) sanads of jágirs and other documents conveying lands granted to individuals by the Government, otherwise than for a pecuniary consideration;

(*i*) of exchange executed by private persons when land is given by them for public purposes in exchange for other land granted to them by the Government;

[*N.B.*—This exemption is in respect of the stamp-duty which would otherwise be payable by private persons under section 29, clause (*f*), of the Indian Stamp Act, I of 1879.]

(*j*) contracts executed in accordance with the provisions of the Inland Emigration Act, I of 1882, for service in Assam under the Chief Commissioner in the Public Works Department or under District Committees constituted under the Assam Local Rates Regulation, III of 1879;

(*k*) deed of dower executed on the occasion of a marriage between Mahammadans.

8. *Leases and Counterparts*—

(*a*) leases granted by the Government under rules made under the Indian Forest Act, VII of 1878, section 31, or purporting to be so granted, of land situated in a protected forest in any of the following villages in the Akola Táluka of the district of Ahmednagar in the Presidency of Bombay, namely:—

Ambit,	Lohali Kotul,	Samrád,
Ghatghar,	Pachnei,	Shinganvádi,
Kumshet,	Pánjre,	Uddavné.

(*b*) leases granted under Rule 31 of the rules published by the Government of Bombay under the Bombay Land Revenue Code (Bombay Act V of 1870);

(*c*) leases or counterparts thereof executed at the time of settlements made directly by the Government with existing occupants of land, whether zamindárs or tenants and whether self-cultivating or not: provided that no fine or premium is paid in consideration of the lease.

Letter—

Which a person depositing money in a District Savings Bank or Post Office Savings Bank, as security to the Government or a local authority for the due execution of an office or for the fulfilment of a contract or for any other purpose, is required by the rules of the Savings Banks to address to the Secretary to the District Savings Bank or the Post Master in charge of the Post Office Savings Bank agreeing to special conditions with respect to the application and withdrawal of the money deposited and the payment of interest accruing due thereon.

"Local authority" in this clause means a municipal committee, district board, body of port commissioners, or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund.

10. *Policy of Insurance*—

Policies of life insurance and contracts for monthly allowances granted by the Director General of the Post Office of India in accordance with the rules for Postal Life Insurance and monthly allowances issued under the authority of the Government of India.

11. *Powers-of-Attorney*—

Furnished to relatives, servants or dependents under the Dekkhan Agriculturists' Relief Act XVII of 1879, section 68.

12. *Receipts*—

(*a*) given by mounted Police Constables, on account of their pay and allowances;

(*b*) given by the addressee for deposits exceeding twenty rupees, made for the payment of replies to telegraphic messages;

(*c*) endorsed by the payee on Postal Money Orders;

[*N.B.*—This exemption is in respect of any stamp-duty with which the receipts might otherwise be chargeable.]

(*d*) given by Railway Companies or Administrations for fares for conveyance of passengers or goods, or both, or animals;

(*e*) given for payment of interest on Government Promissory Notes;

(*f*) given by, or on behalf of, depositors in Post Office District, Presidency or State Railway Savings Banks or in the East Indian Railway Savings Bank for sums of money withdrawn from any of those Banks;

[*N.B.*—This exemption applies in all cases in which the receipts would otherwise be liable to stamp-duty.]

(*g*) given by opium cultivators or their representatives and by lumbardars and khattadars in the Behár and Benáres Agencies for money paid to them by the Government as advances for the cultivation of opium.

(Notn. No. 5184, *B. G. G.*, 1890, Pt. I., p. 743.) 18*th July* 1890.—In exercise of the power conferred by section 8 of the Indian Stamp Act, I of 1879, the Governor General in Council is pleased to remit the duty chargeable under the said Act on the memorandum and articles of association of and association registered under section 26 of the Indian Companies Act, VI of 1882.

(Notn. No. 8175, republishing Notn. No. 1661, G. of I., *B. G. G.*, 1890, p. 1144.) 14*th November* 1890.—In exercise of the power conferred by section 8 of the Indian Stamp Act, 1879, the Governor General in Council is pleased to direct that in the case of any Company issuing share warrants as provided by section 30 of the Indian Companies Act, 1882, such share warrants shall be exempt from payment of the duty specified in section 35 of the said Indian Companies Act, 1882, upon payment as composition for that duty to the Collector of Stamp Revenue of three-quarters per centum of the whole subscribed capital of the Company.

(Notn. No. 726, *B. G. G.*, 1891. Pt. I., p. 83 republishing G. of I. Notn. No. 259.) 21*st January* 1891.—In exercise of the power conferred by section 8 of the Indian Stamp Act, 1879, the Governor General in Council is pleased to direct that if any Company limited by shares which has paid the full stamp duty chargeable on its share warrants or the composition therefor, mentioned in Notification No. 1661, dated 14th November 1890, subsequently issues an addition to its subscribed capital, the share warrants issued by such Company under section 30 of the Indian Companies Act, 1882, with respect to such additional capital shall be exempt from payment of the duty specified in section 35 of the said Indian Companies Act, 1882, upon payment, as composition for that duty, to the Collector of Stamp Revenue of ½ per centum of the additional Capital so issued.

Notn. No. 7417, *B. G. G.*, 1891, Pt. I., p. 884, republishing G. of I. Notn. No. 4345. 19*th October* 1891.—In exercise of the powers conferred by section 8 of the Indian Stamp Act (I of 1879), the Governor General in Council is pleased to remit the duty chargeable under that Act on—

(1) Copies of entries in the certified copies of registers given under section 8 of Act VI of 1886;

(2) Copies of entries in register books granted by any Registrar of Births and Deaths under section 25 of the said Act; and

(3) Copies of entries in registers and records given under section 35 of the said Act,

when applied for by a soldier, sailor, non-commissioned officer, or petty officer.